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TAGS: ASEC PTER PGOV AS
SUBJECT: VICTORIA ILL PREPARED FOR TERROR ATTACKS?

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1B. 08 MELBOURNE 141
1C. 08 MELBOURNE 117

Classified By: MICHAEL E. THURSTON, CONSUL GENERAL, FOR REASONS 1.4(B)
AND (G)

Summary

¶1. (C/NF) Victoria's Inspector General released an audit in mid-January criticizing the state government's preparation for a potential terrorist attack. The report found that a lack of cooperation between police and government agencies and a confusing tangle of legislation may slow the state's response to an attack. While Victoria's Premier appears to be taking the report's findings seriously, the possibility of a terrorist attack in Australia remains a very remote fear in the hearts of most Victorians. End Summary.

Better Coordination Needed

¶2. (SBU/NF) A report prepared by Victoria Inspector General (IG) Des Pearson in January finds the state's readiness to respond to a potential terrorist attack lacking in several important respects. First, the report says that oversight and governance structures "could be more effective." The co-existence of two pieces of legislation providing for the protection of key infrastructure in the event of a terrorist attack (the Terrorism (community protection) Act of 2003 and the Victorian Framework for Critical Infrastructure Protection from Terrorism of 2007) "is confusing and hinders coordination" between state authorities and police. The roles and responsibilities of the agencies involved in implementing the two pieces of legislation are "unclear" and the state has not developed adequate metrics for measuring Victoria's readiness to respond to a terrorist attack as required by the legislation.

¶3. (SBU/NF) Second, the IG's report finds that three lead agencies in Victoria (Human Services, Justice, and the Department of Innovation, Industry and Regional Development) "were not aware" that some infrastructure in their industry sectors is considered to be "critical." In addition, the terms for mandated audits of risk management plans for essential services have not been defined. The report declares, however, that arrangements for an emergency response in the energy, water, and transport sectors are "considered reasonable."

¶4. (SBU/NF) Finally, the report recommends that the Department of Premier and Cabinet (DPC) should exercise

"firmer leadership" in administering implementation of the legislation. Other recommendations include clarifying the roles and responsibilities of key actors as well as providing definitive guidance on what constitutes an essential service.

Police and DPC officials were also encouraged to standardize reporting on training exercises in order to better identify lessons learned.

Reaction

¶ 15. (C/NF) According to an experienced officer in the Victoria police's security intelligence group, the IG's report was a justified wake up call to Premier John Brumby. The rapid creation of several pieces of legislation (background included below) aimed at preparing Australia and Victoria to respond to terrorist attacks was a "knee-jerk" reaction to 9/11 and has since "lost steam." He agreed with the report's assessment that cooperation between the DPC and the police is insufficient and noted that there is still substantial confusion over what constitutes "critical infrastructure."

¶ 16. (C/NF) The officer noted that Victoria's plan for responding to a terrorist attack is too complex. Similar to the IG's report, he indicated that overlapping jurisdiction - between various pieces of legislation as well as between the state and federal governments - has weakened the laws' effectiveness. Finally, there are several vulnerabilities not included in existing laws or emergency planning such as addressing threats to major events (to which Melbourne is frequently home) as well as places where people are known to congregate such as major intersections in the city's central business district.

Background

¶ 17. (SBU/NF) According to the report, "Australia's counter-terrorism capability operates through a cooperative partnership between national, state and territory jurisdictions, with joint responsibility for developing and maintaining nationwide capability. The Commonwealth (federal government) has the national coordination responsibility." The National Counter-Terrorism Committee (formed in 2002) is comprised of federal, state and territory governments and is responsible for maintaining the national counter-terrorism plan.

¶ 18. (SBU/NF) In November 2002, the Victorian government released its counter-terrorism policy statement entitled "Enhancing Victoria's Domestic Security: New measures for the fight against terrorism." The document recommends that the Victoria police assist operators of "essential services" including electricity, gas, water, transport and fuel in the development, validation, and audit of their risk management plans. Much of the state's essential services and critical infrastructure is privately owned or operated. Primary responsibility for providing adequate protection rests with owners/operators.

¶ 19. (SBU/NF) The Terrorism (Commonwealth Powers) and the Terrorism (Community Protection) acts were introduced in 2003, establishing new counter-terrorism powers including provisions for the protection of declared essential services.

According to the IG's report, Victoria was the only jurisdiction to introduce legislation requiring critical infrastructure to be protected. Victoria later released two additional counter-terrorism policy papers in 2005 and 2006 aimed at bolstering community integration initiatives as an attempt to remove the base causes of terrorism.

¶ 10. (U) A copy of the IG's report may be found online at:
http://www.audit.vic.gov.au/reports_publications/reports_by_year/2009/20090121_terrorism_response.aspx

Comment

¶11. (C/NF) While the release of the IG's report created at least one spectacular front page headline ("Victoria ill-prepared for terror attacks, says auditor"), the story has not gained significant traction in the public domain. Victoria has invested A\$255 million (US\$165 million) in counter-terrorism initiatives since 2002 including a wide array of preventative measures such as community policing (septel). Post has talked off-line with contacts in the Victoria government who have said that the Premier is taking this issue seriously and intends to respond in full to the report. For many Victorians, however, the thought of a terrorist attack in Australia is at most a fleeting fear brought to the fore only occasionally. The recent trial of Abdul Nacer Benbrika and his co-conspirators (reftels) served to raise the profile of a potential terrorist attack in Australia, but only for a moment.

THURSTON